# Sunset Public Hearing Questions for **State Textbook and Instructional Materials Quality Commission**

Created by Section 49-6-2201, *Tennessee Code Annotated* (Sunset Termination June 2020)

Enabling Statute, Purpose, and Rules and Regulations

1. Provide a brief introduction to the commission, including information about its purpose, statutory duties, staff, and administrative attachment.

The State Textbook and Instructional Materials Quality Commission (Commission), authorized by T.C.A § 49-6-2201, is composed of 10 members whose responsibility is to prepare and recommend an official list of textbooks and instructional materials for approval by the State Board of Education for use in the public schools of the state. The Commission's statutory duties include: developing rules for the bidding and contracting of textbooks; reviewing bids for alignment with Tennessee Academic Standards; adopting minimum manufacturing standards and specifications for materials; appointing advisory panels and establishing contracts that guarantee the availability of adopted programs to all LEAs at the lowest price.

The commission is administratively attached to the Department of Education and is supported by the Department's Assistant Commissioner for Standards and Materials, the Director of Contracts, the Director of Instructional Resources and Materials, an administrative assistant and content experts as needed. The Department administers and coordinates the bidding, reviewing, listing, adoption and approval process, and supports the implementation of Commission rules, policies, and procedures. In addition, the Department is responsible for assisting the Commission by providing mandatory training to newly appointed members of the Commission and advisory panel members.

2. Has the commission promulgated rules and regulations? If yes, please cite the reference.

Yes, Chapter 0520-05-01 Supplement to Contract - Policies of the Tennessee State Textbook Commission

### Commission Organization

3. Provide a list of current members of the commission. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.

The Textbook Commission was vacated and reestablished in 2018, so no member is serving a consecutive term. The Commissioner of Education serves at the 10<sup>th</sup> member of the Commission.

Member Name	Term Start	Term Expiration	Position	Appointed by
Neel Durbin	8/31/18	6/30/20	Directors of Schools	Lt. Governor

Vacant	8/31/18	6/30/20	Director of Schools	Speaker
Frank Cagle	5/24/19	6/30/22	East Tennessee Public Member	Lt. Governor
Marcie Rudd	9/30/19		West Tennessee Public Member	Governor
Vacant			Middle Tennessee Public Member	Speaker
Greg Clark	6/3/19	6/30/20	Principal	Governor
Karen Clark	12/18/18	6/30/21	Teachers or Instructional Supervisors, Grades 4-8	Lt. Governor
Lynne Michelle Bowman	8/31/18	6/30/21	Teachers or Instructional Supervisors, Grades K-3	Speaker
Dean Mills	6/3/19	6/30/21	Teachers or Instructional Supervisors, Grades 9-12	Governor

4. Are there any vacancies on the commission? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.

Yes, there are two vacancies. The Middle Tennessee Public Member is vacant. This position has been vacant since the reestablishment of the Commission in 2018. The Director of Schools positions has been vacant for several months.

5. How many times did the commission meet in Fiscal Years 2018 and 2019? How many members were present at each meeting? Please note meetings where the commission did not have a quorum.

Fiscal	Date	Total	Members	Quorum
Year		Membership	Present	

			(constituted by a simple majority)
2018	September 18, 2017	7	Yes
2018	October 2, 2017	8	Yes
2018	March 19, 2018	7	Yes
2019	September 14, 2018	6	Yes
2019	October 10, 2018	7	Yes
2019	June 11, 2019	7	Yes

## Financial Information

6. What were the commission's revenues and expenditure for Fiscal Years 2018 and 2019? Does the commission carry a fund balance? If yes, please provide additional relevant information regarding the fund balance.

The Textbook Commission has no revenues. Expenditures for the Commission include reimbursement for travel, expenses, and meeting space. Expenditures also include stipend payments, meals, lodging and training for advisory panelists. The Commission carries no fund balance. Costs reflected below include state expenditures for meeting space.

Fiscal Year	Purpose	Total
		Expenditure
2018	Advisory Panel	\$173,793.72
	Reviewers	
2018	Meals and Lodging	\$41,073.31
	for Training	
2018	Travel and Expense	\$4,003.97
	for Commission	
	Members	
2019	Advisory Panel	\$135,318.58
	Reviewers	
2019	Meals and Lodging	\$77,573.21
	for Training	
2019	Travel and Expense	\$1,501.58
	for Commission	
	Members	
		\$433,264.37

7. What per diem or travel reimbursements do commission members receive? How much was paid to commission members in Fiscal Years 2018 and 2019? Are reimbursement amounts tracked for each commission member?

Pursuant to T.C.A. § 49-6-2201(j), "Members of the commission shall not be compensated for their services but may be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and

administration and approved by the attorney general and reporter." Reimbursements are tracked by individual Commission member.

FY2018: \$4,003.97 FY2019: \$1,501.58

Sunshine Law, Public Meetings, and Conflict of Interest Policies

8. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of meetings and making minutes available to the public? Has adequate public notice been given prior to commission meetings held in the last two years?

Yes. Meetings of the Commission are open to the public and made available for viewing by the public over the Internet by streaming video accessible from the Department's website: <a href="https://www.tn.gov/education/textbook-services/commission-meetings-and-workshops.html">https://www.tn.gov/education/textbook-services/commission-meetings-and-workshops.html</a>. Archived videos of the Commission's meetings are also available to the public through the Department web site. Notice of regular meetings are posted on the TDOE's web site within 3 full business days of the setting of the meeting dates, and notice of special called meetings is posted within 1 full business day of the call. TDOE designates a member of its staff to record minutes at each meeting, and agenda, minutes, and related documents are available for viewing by the public on the Department's website following each meeting. The Commission approves adoption of the previous meeting's minutes to ensure accuracy.

9. Does the commission allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the commission obtain feedback from the public and those they regulate?

All interested persons are invited to attend Commission meetings. Time for public comment is scheduled on every meeting agenda. Meeting participants are not required to provide prior notice, but a form requesting to provide public comment is provided on the Textbook Commission webpage for anyone wishing to sign up to make comment prior to the meeting.

10. Does the commission have policies to address potential conflict of interest by commission members, employees, or other state employees who work with the commission?

Before members of the Commission discharge their duties, they take and subscribe to the following oath pursuant to T.C.A. § 49-6-2118: "I do hereby declare that I am not now directly or indirectly financially interested in, or employed by, any textbook or instructional materials publisher or agency, and that I will not become directly or indirectly financially interested in any of the proposed contracts, nor in any book or instructional materials, nor in any publishing concern handling or offering any books or other publications to the commission, of which I am a member, for listing and adoption, and I do hereby promise

that I will act honestly, faithfully and conscientiously, and in all respects will discharge my duty as a member of this commission to the best of my skill and ability."

Additionally, Commission members must review and sign the Department's conflict of interest policy.

11. Does the commission have a website? If so, please provide the web address. What kind of public information is available on the website?

The Commission has page on the Department of Education's website here: <a href="https://www.tn.gov/education/textbook-services/textbook-commission.html">https://www.tn.gov/education/textbook-services/textbook-commission.html</a>. Information includes: an overview of the textbook review process, meeting and workshop dates and information, public comments on textbooks and instructional materials, and a form to request to speak at the textbook commission meeting.

## Advisory Panels

12. Please provide a list of current members of the advisory panel of experts in each subject area or grade level who advise the commission on selection of textbooks and instructional materials selections, as authorized by Section 49-6-2201(n)(1)(a), *Tennessee Code Annotated*. How are advisory panelists selected?

Because panelists are required to have specific content expertise, new panelists are selected for each content specific adoption cycle. The most recent panelist for the English language arts (ELA) adoption cycle is attached.

13. How are advisory panelists trained to conduct reviews? Has the commission experienced any issues with recruitment, training, or implementation of the reviews?

Pursuant to Pursuant to T.C.A. § 49-6-2201, "The department of education shall assist the commission by providing mandatory training to members of advisory panels on the review process and the completion of their assigned tasks. The mandatory training shall include:

- (A)(i)The requirements for performing a thorough review of all textbooks or instructional materials assigned to a member for review. The review shall include an examination as to whether the textbooks or instructional materials:
  - (a) Conform to the standards for their subject areas or grade levels;
  - (b) Are free of any clear, substantive, factual, or grammatical errors; and
  - (c) Comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general

studies and specifically in United States history and this nation's republican form of government; and

- (ii) Nothing in this part prohibits the use of or applies to supplemental instructional materials;
- (B) The use of any forms developed by the commission for making a review; and
- (C) The time frame for completing their tasks. "

There have been challenges with finding enough qualified reviewers and finding reviewers that are able to complete the review within the limited amount of time currently provided in the review process.

14. How many sets of materials was each advisory panel expert responsible for reviewing? How long were they given to complete the reviews?

It differs depending on the specific adoption cycle, how many items were bid, and the number of qualified panelists participating in the review. For the most recent ELA review each panelist reviewed 4-5 items. Panelists had two months to review his or her items.

15. What per diem or travel reimbursement do panel members receive? How much was paid to panel members in Fiscal Years 2018 and 2019?

Panelist receive reimbursement at state travel, food, and lodging rates and they also receive a stipend. The reimbursement amounts (excluding the stipend) are as follows:

FY2018: \$214,867.03 FY2019: \$212,891.79

#### Textbook Reviews

16. Describe the process the commission uses to prepare a list of standard editions of textbooks and instructional materials approved by the State Board of Education. Who reviews the textbooks and instructional materials? What factors are considered and what additional information is provided (e.g., by publishers)?

Textbooks are first reviewed by the state advisory panels. Since 1986, the State Textbook and Instructional Materials Quality Commission has used an advisory panel of expert teachers in each subject area or grade level to advise the commission on book selections. The state advisory panels thoroughly review all the books and instructional materials submitted. The state advisory panels base their reviews on a textbook and instructional materials screening instrument approved by the State Textbook and Instructional Materials Quality Commission. This screening instrument includes an examination as to whether the textbooks or instructional materials:

- (a) Conform to the standards for their subject areas or grade levels;
- (b) Are free of any clear, substantive, factual or grammatical errors; and

(c) Comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation's republican form of government.

After review of the textbooks and instructional materials the reviews of each member of an advisory panel are posted on the department's web site for public review and comment. The advisory panelists then individually make their recommendations to the Commission. Each advisory panelist must review all the public comments on the textbook or instructional materials that are received and must consider those public comments in making their recommendation to the Commission.

Once a recommendation has been made from the advisory panel the Commission is then responsible for ensuring all recommendations: (1) conform to the academic standards for its subject area or grade level; (2) are free of any clear, substantive, factual or grammatical error; (3) comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation's republican form of government. The Commission must also review all public comments posted on the Department's web site before issuing a recommendation to the State Board.

17. How does the Tennessee Department of Education determine internal staffing needs for the commission? How many staff are assigned to work with the commission, and what are their responsibilities? Are these staff members assigned full-time or part-time to work with the commission?

Staffing needs are based on the complexity of the adoption process. One FTE is assigned to the commission and oversees the design and implementation of the textbook adoption process. There are three part-time FTEs assigned to the Commission that ensure state processes are completed and include legal counsel for the commission.

18. For the reviews referenced in Question 17, how much does a review typically cost?

The cost differs depending on the content area but can range from \$400,000 to \$800,000. The most recent ELA adoption budget was \$750,000. ELA is typically the most expensive adoption cycle because it requires the most expert reviewers. The budget for the upcoming math adoption is \$400,000.

19. Is public input received (other than through the citizen members on the commission)? If so, how is public input solicited and in what form are comments provided to the commission?

Members of the public have the opportunity to review all textbooks and instructional materials bid, submit their comments to the commission, and speak before the commission during their fall meeting to review the recommendations from the state

advisory panels. The state seeks input from the public through online access provided by the publishers. The department announces when the textbooks and instructional materials are available for public review online during the state textbook review and approval process. The public can view textbooks and instructional materials at the same time as the state review committees are analyzing them, prior to the approval of the books. The public can submit feedback on the books and their input is sent to the publishers and the Textbook and Instructional Materials Quality Commission for their consideration during the approval process. The public can continue to view and submit feedback on the approved textbooks and instructional materials by accessing the materials online or by contacting their local school district to view hard copy of the textbooks and instructional materials.

The Commission's public comment form (<a href="here">here</a>) allows individuals to provide feedback on any textbook that has been approved by the State Board of Education or is going through the approval process.

20. Describe the process local school boards use in selecting textbooks and instructional materials from the lists approved by the commission.

After the State Board has officially approved the recommended textbook and instructional materials list from the Commission, local boards of education must appoint review committees to review the textbooks and instructional materials proposed for adoption and make their adoption upon recommendations of such committees. These committees are set up by grade and subject matter fields and composed of teachers, or supervisors and teachers, and parents with children enrolled in the LEA at the time of appointment to a committee. The local board may also appoint experts in the grade level or subject matter field for which textbooks and instructional materials are to be reviewed. Teachers and supervisors who serve on a committee must be teaching or supervising the respective grade or subject at the time of appointment and must be licensed to teach in the state with endorsements in the subject matter or grade level for which textbooks or instructional materials are being reviewed. Teachers and supervisors must have three or more years of experience as teachers or supervisors in the public schools. The director of schools in the LEA adopting textbooks or instructional materials serves as an ex officio member of all committees. After the committees make their recommendations to the local board of education, the director of schools records the list of all textbooks or instructional materials adopted by the local board of education, and forwards a copy of the recorded adoption to the commissioner of education and posts the list on the LEA's web site. The selection of a textbook is exclusively the responsibility of the local district. Each community has the opportunity to review the content of the books to ensure that the content reflects the values of the local community.

More information and procedures regarding the local adoption process is included on the Commission's website here: <a href="https://www.tn.gov/education/textbook-services/textbook-information-for-districts.html">https://www.tn.gov/education/textbook-services/textbook-information-for-districts.html</a>

21. Describe the process the commission uses in contracting with publishers. Include a discussion of how the commission determines which publishers will receive notices, what factors/information the commission considers in reviewing bids, and how often contracts are bid. Provide a list of publishers currently contracting with the commission as well as a list of which publishing companies bid and that percentage that passed/failed for a review.

In compliance with T.C.A. § 49-6-2203, the Commission releases an invitation to bid to school book publishers 30 days prior to the deadline for receipt of bids. Publishers that wish to receive information on information regarding textbooks and instructional materials can request to be added to the Commission's distribution list on the department's website. Bid cycles are also sent via a listsery maintained by the Association of American Publishers. The invitation to bid includes details on the subject/ content area to be bid, instructions for submitting bids, and materials required to be submitted with the bids. A publisher pre-bid conference is also held during this period to provide additional details about the bidding process and answer any publisher questions.

A publisher pre-bid conference is also held during this period to provide additional details about the bidding process and answer any publisher questions. Content experts from the TDOE conduct an in-depth standards review with the publishers and also give a thorough explanation of the review instrument. This encourages publishers to align materials to Tennessee standards and also lets publishers know how materials will be assessed before they begin to create them.

Publisher bids must include executed agreement with the following provisions: ensuring the books' or the materials' accuracy; certifying that the textbooks have been thoroughly examined and reviewed by qualified content experts for factual accuracy. Publishers must list the professional credentials for at least 3 content review experts who have thoroughly examined the textbook or instructional materials for content accuracy; certifying that the textbook or instructional materials have been thoroughly examined and reviewed by qualified editors for typographical errors and errors in grammar, written expression, spelling, formatting and other substantive elements that may affect student learning; and agreeing to correct all factual and editing errors found in a textbook or instructional materials, at the publisher's expense. Publishers must submit a corrective action plan to the TDOE, for review and approval by the SBE, within 30 days of the TDOE's notification of the existence of errors in the textbook or instructional materials.

The Commission meets on a designated day to consider the bids received, reads them publicly, and then proceeds to select books for the approved lists on which bids have been requested. The Commission reviews bids for factors including: minimum content and reading level; alignment with the Tennessee Academic Standards; compliance with the minimum manufacturing standards and specifications for textbooks; substantive, factual or grammatical error; reflection of the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation's republican form of government; and public comments. The

Commission aims to provide at least 4 books in each subject and grade for adoption by the state board, if available and of sufficient merit to warrant being listed.

Following the State Board of Education's adoption of the approved list, contracts for the textbooks/materials are executed in duplicate by the Commissioner as secretary of the Commission, on forms prepared and approved by the attorney general and reporter. As required by T.C.A. § 49-6-2203, the Commission may make contracts with the publishers for a period of no less than 36 months nor more than 73 months. The Commission then publishes the official textbook list which contains the title of the textbook listed for adoption, the names of the publishers and the prices at which the books are available.

Pursuant to Commission Rule, 0520-05-01-.02, the Commission determines the adoption cycle of textbooks in alignment with these contract term limits, and contracts are rebid in accordance with that adoption cycle.

Approximately 80-90% of bids "pass" each cycle. The list of publishers the Department will be contracting with for ELA and Career and Technical Education (CTE) can be found here.

22. How does the Tennessee Department of Education allocate funds for an adoption cycle? If the cycle goes over budget, where do the funds come from?

The Textbook Commission receives an annual appropriation. If the cost of a review cycle goes over budget it comes out of the Department of Education's budget.

Reports, Major Accomplishments, and Proposed Legislative Changes

23. What reports has the commission prepared concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in Fiscal Years 2018 and 2019.

The Commission does not prepare or release any annual reports.

24. What were the commission's major accomplishments during Fiscal Years 2018 and 2019?

In FY2108, The Commission prepared the Section C (Science, PE/Wellness & Health, Fine Arts, CTE Arts, A/V Technology & Communication and Anatomy & Physiology) bid list that was approved by the State Board of Education.

In FY2019, The Commission prepared the Section D (Social Studies, World Languages, CTE Arts, Marketing, Finance, Business Management & Administration) bid list that was approved by the State Board of Education.

25. Please describe any items related to the commission that require legislative attention and your proposed legislative changes.

See response to question 26.

26. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare of the citizens of Tennessee?

The Commission has played an important role since its inception in 1986. However, as districts are moving toward more online and open source resources, it might be prudent to reevaluate/ modernize the Commission to ensure it is continuing to fulfill its intended purpose.

At the request of the Chairman of the House Government Operations Committee, all agencies that provide responses to questions as part of the Q&A process should also provide the following information.

27. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.

Lisa Coons, Assistant Commissioner of Standards and Materials Joanna Collins, Director of Contracts Elizabeth Fiveash, Assistant Commissioner of Policy & Legislative Affairs

28. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Lisa Coons, Assistant Commissioner for Standards and Materials Neel Durbin, Chair of the Textbook and Instructional Materials Quality Commission Elizabeth Fiveash, Assistant Commissioner of Policy & Legislative

29. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Lisa Coons, <u>lisa.coons@tn.gov</u>, 615-428-3160 Neel Durbin, <u>ndurbin@dyersburgcityschools.org</u>, 731-286-3600 Elizabeth Fiveash, <u>Elizabeth.fiveash@tn.gov</u>, 615-651-9932

Office Address: TN Department of Education Andrew Johnson Tower 11<sup>th</sup> Floor 710 James Robertson Parkway Nashville, TN 37221

Name
Bree Abernathy
Michael Ann Adams
Kiley Allen
Holly Anderson
Tina Arceneaux
Amberly Ashburn
Stepanie Baggett
Jessica Baker
Melissa Barker
Rebecca Barker
Teresa Barnhill
Robin Bowman
Margaret Bright
Sarah Beth Britton
Tracy Brooks
Monica Brown
Jaclyn (Jackie) Byrge
April Campbell
Amanda Carpenter
Karen Carpenter
Mavis Clark Foster
Duncan Coble
Molly Coffman
Erika Coleman
Melody Collier
Carissa Comer
Jessica Cook
Raquel Darling-Greer
Leah Darnell
Kimberlee Daugherty
Cynthia Davenport
Rebecca Dawson
Kayla Dawson
Linda DeBerry Natalie Dowling
Jennifer Doyle
Rebecca Drinnon
Rhiannon Dunn
Edie Emery
Jamie Eskow
Cherie Estep
Daisy Filler
Jane Fisher
Julie Forbess
Anna Foropoulos
Breanna Fulton

Staci Gibby
William Gillespie
Stephanie Gouge
Elizabeth Guth
Kimberly Hall
Danielle Hamilton
Tenesha Hardin
Elaine Hoffert
Jessica Holloway
Sabrina Hummel
Lynnea Hunter
Kristy Hunter
Casey Idol
Nora Ioane
Alison Johnson
Jennifer Jordan
Taylor Kane
Rusti Keen
Beverly Key
Sydney King
Hannah Lane
Hilliary Laughlin
Kira Leavens
Jill Leonard
Cynthia Lewis
Tammy Lewis
Kimberly Livingston
Jerri Looper
Katherine Madden-Bruketta
Karen Maddox
Tammy Madon
Angie Manor
Beth Marks
Tammy Marlow
Margaret Martin
Ina Maxwell
Tracy McAbee
Jennifer McCay
Patricia McCoy
Meredith McMackins
April Meyers
Cassie Miller King
Monica (Nikki) Morgan
Victoria Morrow
Christina Mullen Owen
Hunter Myers
Shannon Neely

Elizabeth Neill
Kerri Newsom
Caitlin Nowell
Ann Oakley
Linda Owen (Biggers)
Sandra Paschall
Rachel Peay Cornett
Rhonda Phillips
Shawna Pounds
Michael "Allen" Pounds
Angela Randolph
Jillian Ratti
Karen Rehder
Hannah Rice
Amanda Rigell
Sunny Riley
Meg Robinson
Amanda Roshon
Heather Rowell
Melanie Sargent
Britni Sauceman
Charity Scott
Mollie Scott
LaKeisha Shambray
Dana Siegel
Erin Smith
Morgan Smith
Katherine Smithson
David Sneed
Michelle Solomon
Rachel Sowder
Mike Stein
Angela Taylor
Tiffany Taylor
Tina Tidwell
Lynn Tschaplinski
Kristina Turner
Amy Turner
Kelly Vance
Jessica Wade
Dara Wade
Jenny Wales
Colleen Walker
Aliya Washington Smith
Chandra Webb
Karen Wight
Melanie Williams

Jessica Williams
Barbara Williams
Ben Willings
Leonard Wilson
Kelli Wisener
Amye Wombles
Matt Almaroad
Shanna Cheatham
Travis Childers
Christopher Hobbs
Luis Daniel Isaac
J.D. Lakeman
Gregory Lemmons
Alberto Villalobos